

Before the  
**COPYRIGHT ROYALTY BOARD**  
**LIBRARY OF CONGRESS**  
**United States Copyright Office**  
**Washington, D.C.**

FEB 04 2009

Copyright

\_\_\_\_\_  
In the Matter of )

)  
Determination of Rates and Terms for )  
Digital Performance in Sound Recordings )  
and Ephemeral Recordings )  
\_\_\_\_\_)

Docket No. 2009-1 CRB Webcasting III

**PETITION TO PARTICIPATE**

In accordance with 17 U.S.C. Section 803(b)(1)(B) and 37 C.F.R. 351.1(b), mSpot, Inc. hereby submits its Petition to Participate in the proceedings to establish reasonable rates and terms for digital performances of sound recordings and ephemeral recordings for the period commencing January 1, 2011 and ending December 31, 2015. This Petition responds to the Copyright Royalty Board's notice announcing the commencement of the above-captioned proceeding and requesting Petitions to Participate, 74 Fed.Reg. 318 (January 5, 2009).

1. Name of Petitioner: mSpot, Inc.

2. Mailing Address: 455 Portage Ave, Suite A  
Palo Alto, CA 94306-2213

3. Description of Petitioner's Interest in the Proceeding:

Petitioner operates a non-interactive, new subscription digital audio service that transmits performances of sound records, including retransmissions of broadcast transmissions, to end users. As such, Petitioner will be subject to the rates and terms established in this proceeding and, accordingly, has a significant interest in the subject matter thereof.

4. Officer or Authorized Representative of Petitioner:

A. Name: Bennett Lincoff\*

B. Title: Principal, Law Office of Bennett Lincoff

C. Address: 140 Riverside Drive, 7-N  
New York, NY 10024

D. Telephone Number: 1.212.724.0803

E. E-mail Address: bennettlincoff@gmail.com

Respectfully submitted,

By   
Bennett Lincoff

\* As required by 37 C.F.R. 350.2, it is hereby affirmed that Mr. Lincoff is presently a member in good standing of the bar of New York State (N.Y. Bar. No. 1228139).

Dated: February 3, 2009

Law Office of Bennett Lincoff  
140 Riverside Drive, 7-N  
New York, NY 10024  
212.724.0803  
bennettlincoff@gmail.com

FEB 04 2009

BY EXPRESS MAIL

Copyright Royalty Board  
P.O. Box 70977  
Washington, D.C. 20024-0977

February 3, 2009

Re: Docket No. 2009-1 CRB Webcasting III

Dear Sir or Madam:

Enclosed please find the following:

The original and five copies of the Petition of mSpot, Inc. to participate in the above captioned proceeding;

A CD containing a pdf copy of that Petition; and

A check in the amount of \$150.00 payable to the Copyright Royalty Board.

With kindest regards,

  
Bennett Lincoff, Esq.

cc: mSpot, Inc.

DOCKET NO. 2009-1 CRB WEBCASTING III

BENNETT M. LINCOFF  
140 RIVERSIDE DRIVE, APT. 7N  
NEW YORK, NY 10024-2605


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46008446

DATE 2/3/09

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PAY TO THE ORDER OF COPYRIGHT ROYALTY BOARD \$150.00

ONE HUNDRED AND FIFTY DOLLARS — DOLLARS

  
CITIBANK, N.A. BR. #852  
666 FIFTH AVENUE, 5TH FLOOR  
NEW YORK, NY 10103

The Citigroup Private Bank

MEMO mSpot, Inc.

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